



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/505,845	02/17/2000	David Weiss	2420-0011	6890

22204 7590 02/22/2002

NIXON PEABODY, LLP
8180 GREENSBORO DRIVE
SUITE 800
MCLEAN, VA 22102

EXAMINER

HO, CHUONG T

ART UNIT PAPER NUMBER

2153

DATE MAILED: 02/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

HG

Office Action Summary

Application No.
09/505,845

Applicant(s)
David Weiss

Examiner
Ho

Art Unit
2153



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Dec 13, 2001

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-7, 9-20, and 22-26 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-7, 9-20, and 22-26 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 6

20) ☐ Other:

Art Unit: 2153

1. The amendment filed 12/13/02 have been entered and made of record.
2. Applicant's amendment with respect to claims 1-7, 9-20, and 22-26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et al. (U.S. Patent No. 6,199,048 B1) in view of Browning (U.S. Patent No. 6,081,629).

In the claim 1, see figure 5, Hudetz et al. discloses a system having a database that relates Uniform Product Code ("UPC") numbers to Internet network addresses (or "URLs"); comprising:

- ◆ server computer system (service provider 22) including a database (60) and a server control program (see abstract, figure 1, database (60), col.3, lines 25-35);
- ◆ server control program is operative to query database based on the UPC code, action commands comprising instruction for displaying a link (URL address) related to the tangible media on a computer system (local host 28) (see figure 1, col.8, lines 30-67, col. 7, lines 1-60).

Art Unit: 2153

Hudetz et al., however, does not disclose a portable client device (handheld device) including an input device adapted to receive a code associated with a tangible media object.

Browning, on the other hand, discloses a handheld device (portable client device), that scans single line textual information in the form of internet URL'S, internet protocol addresses as they occur in print advertising and printed media. The handheld device (portable client device) utilizes onboard memory to store information until such time it can be transmitted via wireless communication to a companion software agent (computer system) executing on a personal computer, network computer (see abstract, lines 1-16) . The software communication agent (computer system) is an executable program that runs on a communications device and which receives the information processed by the scanner (portable client device) and establishes a connection to the remote site (server computer system)(see col.2, lines 10-21) . Browning further discloses:

- ◆ a portable client device (handheld device) including a control program, and input device adapted to receive a code associated with a tangible media object (universal product code, e.g. bar codes, that are found on many consumer items)(see figure 3, col.2, lines 45-67);
- ◆ a communication channel coupling server computer system (remote site) and portable client device (portable handheld device) (see figure 5, col.4, lines 15-20);
- ◆ to send code entered through input device from portable client device (handheld device) to server (a remote site) (see figure 5, see col.4, lines 15-20).

Art Unit: 2153

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have applied the teaching of Browning into Hudetz system because it would have been enable the Hudetz system to collect of code (e.g. URL address, bar codes that are found on printed media including books, newspaper, magazines) while the user is away from their office (airplane or at sea) and the next time, codes (e.g. URL address, bar codes that are found on printed media including books, newspaper, magazines) can be uploaded from portable client device to computer system.

5. In the claims 2, 15, Browning discloses further comprising a client computer (a companion software agent), a portable client device (the handheld device), and the code is uploaded from portable client device to client computer (see col.3, lines 57-67).
6. In the claims 3, 16, Hudetz et al. discloses commands comprise instructions for displaying the link on a Web page stored on one of server computer system (see col. 7, lines 15-25).
7. In the claims 4, 17, Hudetz et al. discloses the link is operative to download data to client computer system from one of server computer system or another server coupled to communication channel (see col.7, lines 1-67, col.8, lines 1-67, col.10, lines 50-67).
8. In the claims 5, 18, Hudetz et al. discloses data comprises a computer media copy of an article in the tangible media object (see col.6, lines 10-15).
9. In the claims 6, 19, Hudetz et al. discloses data comprises a computer media coupon related to products described in the tangible media object (see col.7, lines 1-67, col.8, lines 1-67, col.10, lines 50-67).

Art Unit: 2153

10. In the claims 7, 20, Hudetz et al. discloses data comprises a computer media copy of information related to an article in the tangible media object (see col. 6, lines 10-15).

11. In the claims 9, 22, Hudetz et al. discloses the link is in the form of a Web page (see col.7, lines 1-67, col.8, lines 1-67, col.6, lines 10-20).

12. In the claims 10, 23, Hudetz et al. discloses the link is to vendor Web site for facilitating purchase of a product described in the tangible media object (see col.7, lines 1-67, col.8, lines 1-67, col.6, lines 10-20).

13. In the claims 11, 24, Hudetz et al. discloses input device is a bar code reader adapted to read the code in the form of bar code (see col.5, lines 15-25).

14. In the claims 12, 25, Hudetz et al. discloses communication channel is a computer network (see col. 5, lines 15-25, figure 1).

15. In the claims 13, 26, Hudetz et al. discloses computer network is the Internet (see col.5, lines 15-25).

16. In the claim 14, see figure 5, Hudetz et al. discloses a system having a database that relates Uniform Product Code ("UPC") numbers to Internet network addresses (or "URLs"); comprising:

- ◆ server computer system (service provider 22) including a database (60) and a server control program (see abstract, figure 1, database (60), col.3, lines 25-35);
- ◆ server control program is operative to query database based on the UPC code , action commands comprising instruction for displaying a link (URL address) related to the

Art Unit: 2153

tangible media on a computer system (local host 28) (see figure 1, col.8, lines 30-67, col. 7, lines 1-60).

Hudetz et al., however, does not disclose a portable client device (handheld device) including an input device adapted to receive a code associated with a tangible media object.

Browning, on the other hand, discloses a handheld device (portable client device) scans single line textual information in the form of internet URL'S, internet protocol addresses as they occur in print advertising and printed media. The handheld device (portable client device) utilizes onboard memory to store information until such time it can be transmitted via wireless communication to a companion software agent (computer system) executing on a personal computer, network computer (see abstract, lines 1-16) . The software communication agent (computer system) which is an executable program that runs on a communications device and which receives the information processed by the scanner (portable client device) and establishes a connection to the remote site (server computer system)(see col.2, lines 10-21) ; comprising;

- ◆ a portable client device (handheld device) including a control program, and input device adapted to receive a code associated with a tangible media object (universal product code, e.g. bar codes, that are found on may consumer items)(see figure 3, col.2, lines 45-67);
- ◆ a communication channel coupling server computer system (remote site) and portable client device (portable handheld device) (see figure 5, col.4, lines 15-20);
- ◆ to send code entered through input device from portable client device (handheld device) to server (a remote site) (see figure 5, see col.4, lines 15-20).

Art Unit: 2153

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have applied the teaching of Browning into Hudetz system because it would have enable the Hudetz system to collect of code (e.g. URL address, bar codes that are found on printed media including books, newspaper, magazines) while the user is away from their office (airplane or at sea) and the next time, codes (e.g. URL address, bar codes that are found on printed media including books, newspaper, magazines) can be uploaded from portable client device to computer system.

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2153

Conclusion

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuong Ho whose telephone number is (703)306-4529. The examiner can normally be reached on Monday-Friday from 9am to 3pm.

19. If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Burgess, Glenton, can be reached on (703)305-4792.

Any inquiry of a general nature or relating to the status of this application or proceeding should be direct to the group receptionist whose telephone number is (703) 305-3900.

CH

Date 02-14-02


Dung C. Dinh
Primary Examiner